



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
**California Department of Public Health**  
Northern California Drinking Water Field Operations Branch  
Monterey District



EDMUND G. BROWN JR.  
Governor

May 31, 2013

Mr. Kelley Ferreira  
Chief Executive Officer  
33<sup>rd</sup> District Agricultural Association  
PO Box 790  
Hollister, CA 95024

Attention Mr. Ferreira:

**CITATION NO. 02-05-13C-005-3500557-24**  
**BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR MARCH 2013**  
**33<sup>RD</sup> DISTRICT AGRICULTURAL ASSOCIATION – WATER SYSTEM NO. 3500557**

Enclosed is a Citation issued to the 33<sup>rd</sup> District Agricultural Association water system for failure to comply with the bacteriological monitoring and reporting requirements specified in Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of Regulations. Specifically, the water system failed to collect and report the required number of bacteriological samples during the month of March 2013.

The Citation consists of four sections: Violation, Background, Directives, and Further Enforcement Actions. The Violation and Background sections describe the events leading up to the issuance of the Citation. The Directives section specifies required actions that must be implemented by the water system to return to compliance. The Further Enforcement Actions section describes penalties to be assessed for failure to comply with the Citation. No civil penalty is levied with the attached Citation.

Your water system will be billed at the Department's hourly rate for the time spent on issuing this Citation since this is an enforcement action for noncompliance with state regulations. The water system will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter please contact Lora Lyons of my staff at (831) 655-6942 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.

District Engineer, Monterey District  
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure

**CERTIFIED MAIL NO. 7008-1830-0004-5435-4729**

cc (w/encl.): San Benito County Environmental Health Department

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH

Date of Issuance: May 31, 2013

RE: 33<sup>rd</sup> District Agricultural Association  
Water System No. 3500557

TO: Mr. Kelley Ferreira  
Chief Executive Officer  
33<sup>rd</sup> District Agricultural Association  
PO Box 790  
Hollister, CA 95024

CITATION FOR NONCOMPLIANCE  
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION  
MARCH 2013

Chapter 4, Article 9, Section 116650 of the California Health and Safety Code (H&S Code) authorizes the issuance of a Citation for failure to comply with this Chapter (California Safe Drinking Water Act) or any regulation, standard, permit, or order issued or adopted thereunder.



**Violation**

The California Department of Public Health, Drinking Water Field Operations Branch, (hereinafter "Department") hereby issues a Citation to the 33<sup>rd</sup> District Agricultural Association (hereinafter "33<sup>rd</sup> DAA") water system for the following violation:

Violation of bacteriological monitoring and reporting requirements for compliance with the Total Coliform Rule pursuant to Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of Regulations (CCR).

Section 64423(a) specifies that each water supplier shall collect routine bacteriological samples based on the classification of the water system, the source of the water, the known population served, or the total number of service connections.

Section 64423.1(c) specifies that analytical results for all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

The 33<sup>rd</sup> DAA water system failed to collect the required number of routine bacteriological water samples and report the analytical results to the Department pursuant to Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, CCR, for March 2013. This constitutes a violation of bacteriological monitoring and reporting requirements for compliance





1 with the Total Coliform Rule for the 33<sup>rd</sup> DAA water system during the  
2 month of March 2013.

3  
4 **Background**

5  
6 The 33<sup>rd</sup> DAA water system is classified as a transient non-community water  
7 system, owned and operated by the 33<sup>rd</sup> District Agricultural Association in San  
8 Benito County. It provides domestic water to the San Benito County Fairgrounds  
9 (also known as Bolado Park), which includes the Bolado Golf Course. The  
10 fairgrounds serve a daily visitor population of up to 9,000 through 18 service  
11 connections. The drinking water sources that supply the water system are two  
12 (2) groundwater sources, Main Well (Primary Station Code: 3500557-001) and  
13 Standby Well (Primary Station Code: 3500557-002). The 33<sup>rd</sup> DAA water system  
14 does not provide disinfection treatment for the raw water sources.

15  
16 By letter dated September 6, 2002, the 33<sup>rd</sup> DAA water system was required to  
17 conduct bacteriological monitoring to one (1) distribution sample every other  
18 week during the months of January through May and November through  
19 December, and increase monitoring to one (1) distribution sample per week  
20 during June through October for compliance with the Total Coliform Rule. The  
21 Bacteriological Sample Siting Plan (BSSP) on file with the Department, received  
22 on October 6, 2010, complies with the frequencies required by the letter of  
23 September 6, 2002.

24  
25 In addition, the Groundwater Rule requires sampling from the active raw sources  
26 along with repeat distribution bacteriological samples, within 24 hours of  
27



1 notification, following any total coliform-positive result from the distribution  
2 system.

3  
4 On April 16, 2013, Mr. Kelley Ferreira, Chief Executive Officer for the 33<sup>rd</sup> DAA  
5 water system, confirmed to Department staff that only one (1) bacteriological  
6 sample was collected during March 2013. Failure to collect and report two (2)  
7 distribution system bacteriological sample results during March 2013, resulted in  
8 violation of bacteriological monitoring and reporting requirements for the 33<sup>rd</sup>  
9 DAA water system for the month of March 2013.

10  
11 By electronic mail dated April 30, 2013, CM Analytical Laboratory submitted  
12 analysis reports confirming that the 33<sup>rd</sup> DAA water system collected samples  
13 from the distribution system on April 1, 2013 and April 15, 2013. Both samples  
14 tested free of coliform bacteria. Therefore, the 33<sup>rd</sup> DAA water system has  
15 returned to compliance with bacteriological monitoring and reporting  
16 requirements.

17  
18 On April 30, 2013, Department staff directed the water system to prepare a  
19 public notification for distribution to the customers served by the 33<sup>rd</sup> DAA water  
20 system. On May 1, 2013, the water system distributed a Department approved  
21 public notification regarding the bacteriological monitoring and reporting failure  
22 that occurred during March 2013 by posting within conspicuous places within the  
23 area served by the water system and by listing in the water system's website:  
24 [www.sanbenitocountyfair.com](http://www.sanbenitocountyfair.com). On May 13, 2013, the Department received a  
25 copy of the notice distributed and a completed Proof of Notification form.





1 In accordance with instructions received from the Department, the 33<sup>rd</sup> DAA  
2 water system complied with bacteriological monitoring and reporting  
3 requirements for the calendar month of April 2013 and with public notification  
4 requirements. The 33<sup>rd</sup> DAA water system has proven to be committed to  
5 providing safe drinking water to its customers and actively took the required  
6 corrective actions in this situation. In addition, staff members have continually  
7 been proactive in maintaining discussion with the Department on the status of  
8 the system.

9  
10 **Further Enforcement Actions**

11  
12 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the  
13 California Health and Safety Code authorizes the Department to: issue additional  
14 citations with assessment of penalties if a public water system continues to fail to  
15 correct a violation identified in a citation; take action to suspend or revoke a  
16 permit that has been issued to a public water system if the system has violated  
17 applicable law or regulations or has failed to comply with orders of the  
18 Department; and petition the superior court to take various enforcement  
19 measures against a public water system that has failed to comply with orders of  
20 the Department. By issuance of this Citation, the Department does not waive  
21 any right to take additional or alternative enforcement action against the System  
22 including, but not limited to, assessment of penalties as authorized by law. No  
23 civil penalties are levied in this Citation.

24 5/31/2013  
25 Date

Jan R. Sweigert  
26 Jan R. Sweigert

District Engineer, Monterey District

DRINKING WATER FIELD OPERATION BRANCH



27  
CERTIFIED MAIL NO. 7008-1830-0004-5435-4729

